

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Zoya Company, et al.,)	CASE NO: 1:13 CV 780
)	
Plaintiff(s),)	JUDGE DONALD C. NUGENT
)	
vs.)	NOTICE:
)	CASE MANAGEMENT CONFERENCE
NIOS, Inc.,)	
)	
Defendant(s).)	

SCHEDULING OF CASE MANAGEMENT CONFERENCE

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference (CMC) on **July 24, 2013 at 9:30 a.m.** before Judge Donald C. Nugent, Room 15A, Carl B. Stokes U.S. Court House, 801W. Superior Avenue, Cleveland, Ohio 44113.

PRESENCE OF LEAD COUNSEL AND PARTIES

Lead counsel and all parties must be present in person at the CMC. “Parties” in this context means either the named individuals or, in the case of a corporation or similar legal entity, the person who is most familiar with the actual facts of the case. “Party” does not mean in-house counsel or someone who merely has “settlement authority.” If the presence of a party or lead counsel will constitute an undue hardship, a written motion to excuse the presence of such person must be filed no later than seven (7) days prior to the CMC.

TRACK ASSIGNMENT

This case is subject to the provisions of Differentiated Case Management (DCM) as set forth in the Local Rules of the Northern District of Ohio. This Court will evaluate this case in accordance with LR_16.2(a)(1) and assign it to one of the case management tracks. Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice and trial.

CONSENT TO JURISDICTION OF MAGISTRATE JUDGE

A Magistrate Judge has been assigned to assist in this case. The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

PREPARATION FOR CMC BY COUNSEL

Except in government collection cases and actions by unrepresented prisoners, the parties shall meet prior to the CMC to discuss the case and prepare a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f). **The Court places the burden of arranging this meeting on counsel for Plaintiff(s) if originally filed with this Court or, on counsel for Defendant(s) if removed.**

The parties shall, at or within 10 days after the meeting and without awaiting a discovery request, provide the basic information to the other parties specified by Fed. R. Civ. P. 26(a)(1) (initial disclosures), Fed. R. Civ. P. 26(a)(2) (disclosure of expert testimony) and Fed. R. Civ. P. 26(a)(3) (pretrial disclosures) shall also apply in this case. **A Report of Parties' Planning Meeting under Fed. R. Civ. P. 26(f) and Local Rule 16.3(b), (Parties shall use the attached Form) shall be filed with the Court at least three (3) working days before the CMC.**

Pursuant to Fed. R. Civ. P. 26(d), a party may not seek formal discovery from any source before the parties have met and conferred.

Unless otherwise ordered by the Court, initial disclosures, discovery depositions,

interrogatories, requests for documents, requests for admission, answers and responses thereto shall not be filed with the Clerk's office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

Plaintiff(s) shall provide defendant(s) with a written demand to include a description and monetary breakdown of the damages claimed no later than one week prior to the date of the CMC. Defendant(s) shall respond with an offer no later than the date of the CMC.

It is the responsibility of counsel for the plaintiff(s) to verify that a copy of this Order has been received by counsel for the defendant(s) or, if no counsel has entered an appearance for defendant(s), has been received by defendant(s).

Please Note, effective January 1, 2006, ALL attorneys who practice before this Court are REQUIRED to file electronically pursuant to Local Civil Rule 5.1(c).

Further, any attorney desiring to practice in a case before this Court, whose name has not appeared on an initial pleading or motion, shall enter a written notice of appearance.

OTHER DIRECTIVES

Parties shall submit a courtesy copy of all dispositive motions, oppositions and replies, along with all supporting material to chambers.

RESOLUTION PRIOR TO CMC

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

IT IS SO ORDERED.

DATE: June 11, 2013

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

ATTACHMENT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

)	CASE NO.
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
vs.)	REPORT OF PARTIES' PLANNING
)	MEETING UNDER FED. R. CIV.
)	P. 26(f) AND LR 16.3(b)
)	
Defendant.)	

1. Pursuant to FED. R. CIV. P. 26(f) and LR 16.3(b), a meeting was held on

_____, and was attended by:

_____ counsel for plaintiff(s) _____

_____ counsel for plaintiff(s) _____

_____ counsel for defendant(s) _____

_____ counsel for defendant(s) _____

2. The parties:

_____ have exchanged the pre-discovery disclosures required by FED. R. CIV. P.

26(a)(1) and the Court's prior order;

_____ will exchange such disclosures by _____;

_____ have not been required to make initial disclosures.

3. The parties recommend the following track:

___ Expedited ___ Standard ___ Complex

___ Administrative ___ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms:

___ Early Neutral Evaluation ___ Mediation ___ Arbitration

___ Summary Jury Trial ___ Summary Bench Trial

___ Case not suitable for ADR

5. The parties ___do/___do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

(b) Discovery cut-off date: _____

7. Recommended dispositive motion date: _____

8. Recommended cut-off date for amending the pleadings and/or adding additional

parties: _____

9. Recommended date for a Status Hearing: _____

10. Other matters for the attention of the Court:

Attorney for Plaintiff(s)_____

Attorney for Plaintiff(s)_____

Attorney for Defendant(s)_____

Attorney for Defendant(s)_____
